

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BJ'S FLEET WASH, LLC,)	Case No. 8:17-CV-00023
)	
Plaintiff,)	
)	
vs.)	<u>GOODWILL'S OBJECTION TO</u>
)	<u>PLAINTIFF'S NOTICE OF</u>
)	<u>SUBPOENA TO NEBRASKA</u>
TRANSIT AUTHORITY OF THE CITY OF)	<u>ATTORNEY GENERAL'S OFFICE</u>
OMAHA, NEBRASKA, d/b/a METRO AREA)	
TRANSIT and GOODWILL INDUSTRIES,)	
INC.,)	
)	
Defendants.)	

COMES NOW Defendant, Goodwill Industries, Inc. ("Goodwill"), by and through its counsel, and hereby objects to the entirety of the notice of subpoena *duces tecum* that Plaintiff, BJ's Fleet Wash, LLC ("BFW"), served upon the parties on July 6, 2018, seeking to subpoena certain records from the Nebraska Attorney General's Office ("AG's Office"). In support of its objection, Goodwill states as follows:

1. BFW's subpoena seeks the production of "Any and all documents referred to, referenced to, taken or obtained by the Nebraska Attorney General's Office, pertaining to it's [sic] investigation of Goodwill Industries, Inc. & Goodwill Specialty Services, Inc. as referenced in a June 26, 2018 Executive Summary and the Consent Order in Case No. CI-18-5747, Douglas County District Ct."

2. Goodwill objects to BFW's subpoena because the request to discover any and all documents whatsoever that the AG's Office may have obtained concerning its investigation of Goodwill -- regardless of when the documents were created, who created the documents, and what the documents concern -- is ambiguous, indefinite in time and scope, vague, overbroad, unduly burdensome, disproportional to the needs of this case, exceeds the scope of discovery under FED. R. CIV. P. 26(b)(1), irrelevant, seeks information that is confidential and/or proprietary, and seeks information protected by the attorney-client privilege and/or the work product doctrine.

3. The AG's Office obtained numerous documents from Goodwill during its investigation into Goodwill that have no bearing or relevance to the issues in this lawsuit. The only claim that BFW has asserted against Goodwill is an alleged conflict of

interest claim. The documents that BFW seeks from the AG's Office about Goodwill concern matters such as Goodwill's compensation to its officers and employees. BFW's request to discover all documents whatsoever, regardless of when they were created and what they concern, is overbroad, irrelevant, and unduly burdensome to the needs of the narrow issues in this lawsuit.

4. The records that BFW seeks to subpoena from the AG's Office also contain confidential matters concerning Goodwill's employees, including, but not limited to, workers' compensation matters, personnel records, personal information such as social security numbers, employee compensation, and employee medical records. The records also contain proprietary information from Goodwill and other third-parties concerning Goodwill.

5. The records that BFW's subpoena seeks from the AG's Office are also protected from discovery under NEB. REV. STAT. § 84-712.05 in that, among other things, the AG's Office obtained the records from Goodwill (which BFW now seeks to obtain) in its law enforcement capacity with duties of investigation and/or examination.

WHEREFORE, Goodwill hereby objects to BFW's notice of its intent to subpoena the AG's Office for the records that BFW has identified in its subpoena.

GOODWILL INDUSTRIES, INC., Defendant

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Goodwill's Objection to Plaintiff's Notice of Subpoena to Nebraska Attorney General's Office was filed electronically on July 11, 2018, with the United States District Court for the District of Nebraska using the CM/ECF system, which sent notification of such filing to the following individuals:

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